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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,211	02/19/2004	Karlheinz Hausmann	CL2018 US NA	5364

23906 7590 11/15/2005

E I DU PONT DE NEMOURS AND COMPANY
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WILMINGTON, DE 19805

EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10782,211	Applicant(s) HAUSMANN ET AL.	
	Examiner D. S. Nakarani	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/04 & 8/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, line 2, the phrase "ethylene based polymers-----softening agents" renders claim indefinite because it is not clear the phrase "ethylene based polymers" is a copolymer of ethylene and ethylenically unsaturated carboxylic acid or something else. Further the phrase "copolymers of ethylene based copolymers with ethylenically unsaturated C3-C8 carboxylic acid" cannot be understood. Does applicants are trying to claim copolymers obtained by copolymerizing ethylene based copolymers with ethylenically unsaturated C3-C8 carboxylic acid or copolymers obtained by copolymerizing ethylene with ethylenically unsaturated C3-C8 carboxylic acid? Likewise, the phrase "copolymers of ethylene based copolymers with ethylenically unsaturated C3-C8 carboxylic acid having one or more softening agents" also cannot be understood for the same reasons. In addition, the phrase "ethylenically unsaturated C3-C8 carboxylic acid having one or more softening agents" cannot be understood. Does applicants are trying to claim copolymer of ethylene with ethylenically unsaturated C3-C8 carboxylic acid containing plasticizer or something else? Clarification and/or correction requested.

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In claims 9 and 10, recited weight percent amount of ethylene diamine phosphate cannot be understood in absence providing base for calculation.

3. Claim 7 contains the trademark/trade name Surlyn resin. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe ionomer polymer and, accordingly, the identification/description is indefinite.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narum et al (U. S. Patent 6,866,928 B2).

Narum et al disclose a cleanly removable carpet tape useful for installing carpets in automobile, aerospace etc. (col. 19, lines 41-45) comprising foam core made of ionomer resins (Col. 11, line 22) and an pressure sensitive adhesive layer on one or both side of the core. The pressure sensitive adhesive is an acrylate polymer such as copolymer of 2-ethylhexyl acrylate and acrylic acid (Col. 23, lines 23-40). Narum et al disclose addition of flame retardant such as AMGARD NP, which is ethylene diamine phosphate (Col. 13, lines 59-60) in an amount from about 20 wt% to about 60 wt% in both core layer and an adhesive skin layer (Col. 13, lines 13-21). Narum et al fail to disclose ionomer such as Surlyn resin and also do not exemplify embodiment having core made of ionomer resin.

However given the teaching of Narum et al a person of ordinary skill in the art would have found it obvious to select ionomer resin, which is an acrylic polymer with acrylic based pressure sensitive adhesive for adhesion since like polymers bonds better.

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 is allowable over Narum et al because Narum et al fail to disclose pressure sensitive adhesive polymer made of copolymer of ethylene and methyl, ethyl, or butyl acrylate.

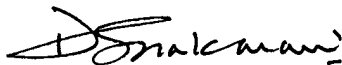
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7. Receipt of Information Disclosure Statements filed July 30, 2004 and August 11, 2004 is acknowledged and all recited references have been made of record.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


D. S. Nakarani
Primary Examiner
Art Unit 1773

Dsn
November 12, 2005.